



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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400 Seventh St., S.W.
Washington, D.C. 20590

Mike Lopez, JD
Safety & Compliance Associates, Inc.
P.O. Box 48
Trussville, AL 35173

Ref. No. 04-0188

Dear Mr. Lopez:

This is in response to your July 19, 2004 letter concerning the shipping paper requirements of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered as follows:

- Q1: Despite the example provided in § 172.202(a)(2)(iii), which does not include parentheses around the subsidiary hazard class or division number, must the subsidiary hazard class or division number appear in parentheses on the shipping paper?
- A1: Except for combustible liquids, the subsidiary hazard class(es) or subsidiary division number(s) must be entered in parentheses immediately following the primary hazard class or division number. The examples in § 172.202(a)(2)(iii) should be corrected by placing parentheses around the subsidiary class(es) and division number(s). This error will be addressed in a future rulemaking.
- Q2: Does the shipper have the option of using the subsidiary hazard class or division number (e.g., (5) or (5.1) for an oxidizer) on a shipping paper?
- A2: No. The shipper must use the subsidiary hazard class or division number as appropriate for the material being shipped (e.g., the subsidiary hazard for an oxidizer must appear as (5.1)).

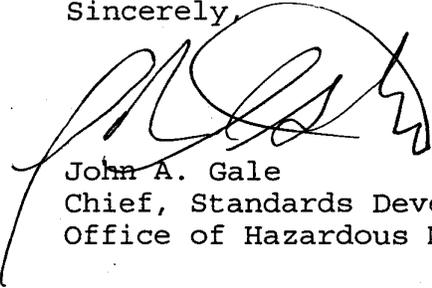


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172.202(a)(2)

Voluntary compliance with the requirement to enter subsidiary hazards on shipping papers was authorized by Docket HM-215E (68 FR 44992) as of July 31, 2003. However, the mandatory compliance date is October 1, 2005 (§ 171.14(d)(7)).

Sincerely,

A handwritten signature in black ink, appearing to read 'John A. Gale', written over a circular stamp or mark.

John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



Safety & Compliance Associates, Inc.

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July 19, 2004

Mr. Ed Mazzullo
Director, Office of Hazardous Materials Standards
U.S. Department of Transportation
400 Seventh Street, SW
Washington, D.C. 20590

BAH
§172.202(a)(2)
Shipping Papers
04-0188

Dear Mr. Mazzullo,

This is in regard to an apparent inconsistency in the Hazardous Materials Regulations.

49 CFR, §172.202 (a)(2) states:

The hazard class or division number prescribed for the material, as shown in Column (3) of the Sec.172.202 Table. Except for combustible liquids, the subsidiary hazard class(es) or subsidiary division number(s) must be entered in parentheses immediately following the primary hazard class or division number.

However, the example in §172.202 (a)(2)(iii) does not list the subsidiary classes or division numbers in parentheses, as follows:

For domestic shipments, primary and subsidiary hazard class or division names may be entered following the numerical hazard class or division or following the basic description. For example, "Oxygen, compressed, 2.2 (non-flammable, non-poisonous compressed gas), 5.1 (oxidizer), UN1072," or "Oxygen, compressed, 2.2, 5.1, UN1072, (non-flammable, non-poisonous compressed gas) (oxidizer)";

Will you please clarify whether subsidiary classes or division numbers must be entered in parentheses.

In addition, §172.202 (a)(2) gives an option as to whether class or division numbers must be listed. Accordingly, is it your intent that oxygen may be listed as, "oxygen, compressed, 2.2, (5), UN1072" omitting the division number for "oxidizer?"

Sincerely,

Mike Lopez, JD
Safety & Compliance Associates, Inc.